

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**Edward Butowsky,**

Plaintiff,

v.

**Michael Gottlieb, et al.,**

Defendants

**Case No. 4:19-cv-00180-ALM-kpj**

**NOTICE OF SUPPLEMENTAL EVIDENCE**

**Exhibit B**

**Episode 2 – The Russian Connection 7-9-2019**

**16:15-21:07**

- Isikoff: We had no idea how calculated and elaborate Russia's tactics were around Seth's murder until we talked to Deborah Sines. She was the Assistant U.S. Attorney in charge of the Rich case. Now retired, Sines has never spoken publicly about the case until she talked to us.
- Sines: There were too many conspiracy theories that were all the same. You know, it wasn't just from one place. I was seeing it in multiple places and I, I really don't believe in coincidences.
- Isikoff: Sines was puzzled about the wild stories swirling around the murder, and she wanted to know where and how they started. It's worth keeping in mind that at this point, nothing about the Russian role behind these stories was publicly known. Sines decided to use her security clearance to ask the U.S. Intelligence community to help her figure the puzzle out.
- Sines: All I can say is I made inquiries about several things. And it took a while to get responses.
- Isikoff: And when she did, Sines was floored.
- Sines: Holy shit. It, I'm, you know, it's not what you expect.
- Isikoff: Remember that bizarre story on the whatdoesitmean.com website we told you about in Episode 1, just 3 days after Seth's death, that alleged he was gunned down by a Hillary Clinton hit squad. It was the very first time a conspiracy theory about his murder had popped up. And it turned out, it didn't come out of nowhere. What Sines discovered was a fake bulletin circulated by the Russian SVR, the Kremlin's version of the CIA, that was intercepted by U.S. Intelligence agencies. Written to read like a real intelligence report, it made the exact same allegations about Seth Rich on the exact same day as the whatdoesitmean.com story.
- Sines: The original report alleged that Seth thought he was meeting with the FBI, and instead he was met by a Hillary Clinton hit team. The original report also alleged that the hit team was captured after a running gun battle with U.S. Federal police force just blocks from the White House. Now let me ask you, Michael, you ever hear about a shoot out just a couple of blocks from the White House?
- Isikoff: No.
- Sines: Never happened. It's all made up.
- Isikoff: In short, Sines had uncovered the original document that started all of the Seth Rich conspiracy stories. A reprise of active measures with a vengeance.



- Sines: To me, having a foreign intelligence agency set up one of my decedents with lies and planting false stories. To me that's pretty outrageous. Maybe other people don't think it's that outrageous. I did.
- Isikoff: If I'm hearing you correctly, what you discovered was the Russians had planted the idea that there was a conspiracy.
- Sines: Absolutely. No question in my mind. They planted this whole conspiracy thing. And then, I thought, Oh My God, this is over my pay grade, and then I got very paranoid.
- Isikoff: We went back and looked at that [whatdoesitmean.com](http://whatdoesitmean.com) website. What Sines discovered was a window into how the Russians operate. The site that claims to be run by a secret order of nuns, is in fact filled with all sorts of wild stories attributed to Russian intelligence agencies, Russian foreign ministry officials, and Russian press reports. In a nut shell, it's a vehicle for Kremlin propaganda. The perfect place for the SVR to plant a bogus intelligence report. And there's more, Sines learned that just weeks after that initial fake bulletin, the Russian intelligence service circulated yet another report about Seth Rich. And were the details the same, or were there additional details in the second one?
- Sines: It was same nonsense. The same stuff. Once it became clear to me that this is coming from the SVR, then, I mean, that triggers a lot of very serious, Oh My God, what do I do with this?

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**23:41-26:55**

- Isikoff: After Deborah Sines got her hands on those SVR bulletins, and over time saw how Russian propaganda was exploiting her case, she wrote a memo that she sent to the National Security Division of the Justice Department. And she later briefed the prosecutor's agents working for special counsel Robert Mueller. As she thought, the Russians engaged in a deliberate strategy to use Seth Rich's murder to distract investigators and the public from finding out what they had done during the 2016 election.
- Sines: So then you gotta look at, well why is Russia doing this? And what else is going on? Well, what else is going on is we have a special counsel who is investigating Russia stealing Clinton emails or DNC emails. And then, I mean it's not rocket science, before you add it up and you go oh, if Seth is the leaker to WikiLeaks, it doesn't have anything to do with Russia. So, of course, Russia's interest in doing this is incredibly transparent. Let's blame it on Seth Rich. He's a very convenient target.



**Episode 5 – Fox News Fallout 7-30-2019 - 11:59-14:37**

Isikoff: While Fox's star anchors and big name contributors were hyping the bombshell story, Deborah Sines, the Assistant U.S. Attorney in charge of the Seth Rich murder investigation was beside herself.

Sines: I was furious.

Isikoff: Why?

Sines: It was just lies. So, that makes it even worse because then you get a feeding frenzy from like-minded conspiracy theorists and it makes my job four times as hard because I have to investigate all that.

Isikoff: You may recall from earlier episodes that Sines discovered that Russian intelligence agents had planted a wild conspiracy story about Seth Rich's murder just three days after his death. Now she was seeing the conspiracy claims being amplified by some of the loudest voices in conservative media.

Sines: Let me put it this way, with all due respect to Newt Gingrich and Sean Hannity, actually, they don't deserve any respect, They spoke about things they had no knowledge of, they made it up.

Isikoff: The specifics in the story was that there was an FBI report about an FBI analysis of Seth Rich's computer that showed he was in communication with WikiLeaks. Was there any truth to that?

Sines: No. None. Complete fabrication.

Isikoff: As soon as she heard the stories, Sines reached out to the FBI.

Sines: Of course I did. Of course I did.

Isikoff: And what did they tell you?

Sines: No.

Isikoff: No?

Sines: No. No connection between Seth and WikiLeaks. And there was no evidence on his work computer of him downloading and disseminating things from the DNC.

Isikoff: As it turned out, there was one sliver of truth in the Fox story. The FBI had been examining Seth's computer. Not for any ties to the DNC emails or WikiLeaks, but because they saw unusual activity by a foreign hacker after his death.



Sines: There were allegations that someone, maybe more than one person, was trying to invade Seth's gmail account and set up a separate account after Seth was murdered. And the FBI was looking into that. I presumed they were trying to create a fake gmail account or get into Seth's gmail account so they could dump false information in there.



## OFFICE OF THE INSPECTOR GENERAL U.S. Department of Justice

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### INVESTIGATIVE SUMMARY

#### **Findings of Misconduct by a then Assistant United States Attorney for Improperly Disclosing Grand Jury Materials to an Unauthorized Individual**

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the United States Attorney's Office for the District of Columbia (USAO-DC) regarding allegations that an Assistant United States Attorney (AUSA), who is no longer employed by DOJ, improperly disclosed District of Columbia Superior Court grand jury materials to an unauthorized individual.

The OIG investigation substantiated the allegation that the AUSA improperly disclosed Superior Court grand jury materials to an unauthorized individual, in violation of the Code of the District of Columbia and the District of Columbia Superior Court Rules of Criminal Procedure.

Criminal prosecution of this matter was declined.

The OIG has provided its report to the Executive Office for United States Attorneys (EOUSA), the Office of Professional Responsibility (OPR), and the USAO-DC for appropriate action.

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Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether DOJ personnel have committed misconduct.

*Posted to [oig.justice.gov](http://oig.justice.gov) on October 2, 2019*

20-002





**Strzok, Peter P. (CD) (FBI)**

**From:** Strzok, Peter P. (CD) (FBI)  
**Sent:** Wednesday, August 10, 2016 7:49 PM  
**To:** Page, Lisa C. (OGC) (FBI)  
**Subject:** Fwd: Seth Rich

----- Original message -----

**From:** [REDACTED] (WF) (FBI)  
**Date:** 08/10/2016 7:09 PM (GMT-05:00)  
**To:** "Moffa, Jonathan C. (CD) (FBI)" [REDACTED] "Strzok, Peter P. (CD) (FBI)"  
**Subject:** Fwd: Seth Rich

b6 -1  
b7C -1  
b7E -6

Just FYSA. I squashed this with [REDACTED]

b6 -1  
b7C -1

----- Original message -----

**From:** [REDACTED] (WF) (FBI)  
**Date:** 08/10/2016 1:25 PM (GMT-05:00)  
**To:** [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI)"  
**Cc:** [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI)"  
**Subject:** RE: Seth Rich

b6 -1  
b7C -1  
b7E -6

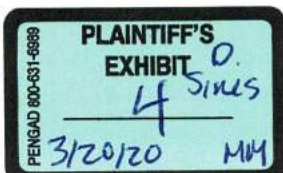
Thank [REDACTED] Will do.

**From:** [REDACTED] (WF) (FBI)  
**Sent:** Wednesday, August 10, 2016 1:00 PM  
**To:** [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI)  
**Cc:** [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI)  
**Subject:** RE: Seth Rich

b6 -1  
b7C -1  
b7E -6

Hi [REDACTED]

b5 -1  
b6 -1  
b7C -1  
b7E -9



FBI (18-cv-154)-7414

Obtained via FOIA by Judicial Watch, Inc.

----- Original message -----

From: [REDACTED] (WF) (FBI) [REDACTED]  
Date: 08/10/2016 12:54 PM (GMT-05:00)  
To: [REDACTED] (WF) (FBI) [REDACTED]  
Cc: [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI)  
[REDACTED] (WF) (FBI) [REDACTED]  
Subject: RE: Seth Rich

b6 -1  
b7C -1  
b7E -6

Adding [REDACTED] for real. Stupid Samsung.

----- Original message -----

From: [REDACTED] (WF) (FBI) [REDACTED]  
Date: 08/10/2016 12:53 PM (GMT-05:00)  
To: [REDACTED] (WF) (FBI) [REDACTED]  
Cc: [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI)  
[REDACTED]  
Subject: RE: Seth Rich

b5 -1  
b6 -1  
b7C -1  
b7E -6

Adding [REDACTED] I'm aware of this reporting from earlier this week but not any specific involvement in any related case. [REDACTED]

----- Original message -----

From: [REDACTED] (WF) (FBI) [REDACTED]  
Date: 08/10/2016 10:32 AM (GMT-05:00)  
To: [REDACTED] (WF) (FBI) [REDACTED]  
Cc: [REDACTED] (WF) (FBI) [REDACTED] (WF) (FBI)  
[REDACTED]  
Subject: Seth Rich

b6 -1  
b7C -1  
b7E -6

[REDACTED]

b6 -1  
b7C -1

I hope you are well. I heard from the front office that you are covering for [REDACTED] this week. Various news outlets are reporting today that Julian Assange suggested during a recent overseas interview that DNC Staffer, Seth Rich was a Wikileaks source, and may have been killed because he leaked the DNC e-mails to his organization, and that Wikileaks was offering \$20,000 for information regarding Rich's death last month. Based on this news, we anticipate additional press coverage on this matter. I hear that you are in a class today; however, when you have a moment, can you please give me a call to discuss what involvement the Bureau has in the investigation.

Thanks,

[REDACTED]  
FBI Washington Field Office  
Public Affairs

b6 -1  
b7C -1  
b7E -6

Des [REDACTED]  
Cell [REDACTED]  
[REDACTED]

FBI (18-cv-154)-7415



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

- - -

AARON RICH, : Civil Action No.  
: :  
Plaintiffs, : 1:18-cv-00681  
v. : :  
: :  
EDWARD BUTOWSKY, :  
MATTHEW COUCH, and :  
AMERICA FIRST MEDIA, :  
: :  
Defendants. :  
: :

- - -

AUDIO TRANSCRIPTION

- - -

Audio transcription of  
Podcast entitled "Conspiracyland: The  
Untold Story of Seth Rich. Episode 6 -  
Collateral Damage," hosted by Michael  
Isikoff.

- - -

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Page 2	Page 4
<p>1               - - -</p> <p>2               (Music)</p> <p>3               - - -</p> <p>4               MALE REPORTER: Berlin.</p> <p>5               April 30, 1945. With the hated</p> <p>6               Russian troops just blocks away</p> <p>7               from his Berlin underground</p> <p>8               bunker, Adolf Hitler was forced to</p> <p>9               choose death by his own hand</p> <p>10              rather than face the consequences</p> <p>11              and the humility of utter defeat.</p> <p>12              MICHAEL ISIKOFF: For nearly</p> <p>13              three quarters of a century, it's</p> <p>14              been pretty much accepted that</p> <p>15              Hitler committed suicide inside</p> <p>16              his bunker in the final days of</p> <p>17              World War II. But five years ago</p> <p>18              a strange little book challenged</p> <p>19              that consensus. Entitled "Hunting</p> <p>20              Hitler," it argued that while</p> <p>21              those Russian troops were closing</p> <p>22              in, the German dictator was</p> <p>23              secretly flown by helicopter out</p> <p>24              of his Berlin bunker to Austria</p>	<p>1              theorists.</p> <p>2              He's at first blush an</p> <p>3              amiable, pleasant-sounding man</p> <p>4              with a Ph.D. in political science</p> <p>5              from Harvard who's made a</p> <p>6              successful career out of</p> <p>7              connecting dots in peculiar ways.</p> <p>8              JEROME CORSI: So I did very</p> <p>9              extensive research on that. In</p> <p>10             fact, I spent a lot of time at the</p> <p>11             archives and even found the</p> <p>12             original notes. So I'll stand by</p> <p>13             that I've raised legitimate issues</p> <p>14             in that book.</p> <p>15             MICHAEL ISIKOFF: I mean, do</p> <p>16             you believe Hitler did escape to</p> <p>17             Argentina by submarine?</p> <p>18             JEROME CORSI: What I say in</p> <p>19             the book is that the evidence we</p> <p>20             have today demands further</p> <p>21             investigation. And in fact,</p> <p>22             there's fairly credible evidence</p> <p>23             now that the US government took it</p> <p>24             seriously and decided, at a high</p>
Page 3	Page 5
<p>1              where he hopped on a plane to</p> <p>2              Barcelona and then was whisked by</p> <p>3              submarine to Argentina where,</p> <p>4              thanks to the magic of plastic</p> <p>5              surgery, he lived out his days in</p> <p>6              a mountain-like retreat surrounded</p> <p>7              by adoring fellow Nazis.</p> <p>8              The wild escape, the book</p> <p>9              claimed, was only possible due to</p> <p>10             a conspiracy by high-ranking</p> <p>11             American intelligence officials</p> <p>12             led by Allen Dulles, who later</p> <p>13             became the director of the CIA.</p> <p>14             JEROME CORSI: Since I was a</p> <p>15             kid, I've had this ability to kind</p> <p>16             of connect the dots and put things</p> <p>17             together.</p> <p>18             MICHAEL ISIKOFF: That's</p> <p>19             Jerome Corsi, the author of the</p> <p>20             Hitler escape to Argentina book.</p> <p>21             He's the one-time Washington</p> <p>22             bureau chief for Alex Jones'</p> <p>23             Infowars and arguably the dean of</p> <p>24             21st Century American conspiracy</p>	<p>1              official level, that it would have</p> <p>2              been better if Hitler got away</p> <p>3              rather than having to put him on</p> <p>4              trial. You'll have to read that</p> <p>5              book. It's very well documented.</p> <p>6              MICHAEL ISIKOFF: We</p> <p>7              actually did read the book -- we</p> <p>8              found it on Amazon -- and it's</p> <p>9              pretty much what you would expect.</p> <p>10             A mishmash of wild post-World War</p> <p>11             II rumors and alleged Hitler</p> <p>12             sightings that, in a few</p> <p>13             instances, found their way into a</p> <p>14             handful of US government documents</p> <p>15             before they were thoroughly</p> <p>16             debunked.</p> <p>17             More importantly, the book</p> <p>18             provides insight into Corsi's</p> <p>19             world view, one that sees</p> <p>20             conspiracies and coverups</p> <p>21             everywhere, from a CIA plot to</p> <p>22             assassinate John F. Kennedy --</p> <p>23             with the approval of Lyndon</p> <p>24             Johnson of course -- to a</p>



Page 6	Page 8
<p>1 globalist plot to turn North 2 America into one country and 3 replace the dollar with a new 4 currency called the Amero. 5 But Corsi is best known for 6 a far more pernicious crusade -- 7 to expose the real birthplace of 8 Barack Obama -- as laid out in 9 another one of his books "Where's 10 the Birth Certificate?" Even 11 though it was utterly groundless, 12 the claim got maximum currency 13 from its most vocal booster, an 14 avid conspiracy theorist in his 15 own right. 16 DONALD TRUMP: And I just 17 say very simply, why doesn't he 18 show his birth certificate? His 19 grandmother in Kenya said he was 20 born in Kenya and she was there 21 and witnessed the birth. Okay? I 22 have people that actually have 23 been studying it and they cannot 24 believe what they're finding.</p>	<p>1 right. You peddled birtherism. 2 You knew it was a complete fraud. 3 Why did you do it? 4 SAM NUNBERG: Donald Trump 5 shot to number one in the polls. 6 MICHAEL ISIKOFF: You 7 peddled a completely phony 8 conspiracy theory about the 9 president. 10 SAM NUNBERG: Now, let me 11 finish. 12 MICHAEL ISIKOFF: Now -- 13 SAM NUNBERG: Let me finish. 14 MICHAEL ISIKOFF: Yeah. Are 15 you proud of that? 16 SAM NUNBERG: Is Donald 17 Trump president? 18 - - - 19 (Music) 20 - - - 21 MICHAEL ISIKOFF: I'm 22 Michael Isikoff, and welcome to 23 Yahoo News' Conspiracyland: The 24 Untold Story of Seth Rich, a</p>
Page 7	Page 9
<p>1 MICHAEL ISIKOFF: It turns 2 out that one of those people Trump 3 was apparently referring to was 4 none other than Jerome Corsi. 5 Did you talk to Donald Trump 6 at that time? 7 JEROME CORSI: I believe 8 Donald Trump called me maybe four 9 times during 2011. He was looking 10 at the issue and he wanted to 11 discuss it. 12 MICHAEL ISIKOFF: Trump's 13 promotion of birtherism was part 14 of a cynical political strategy, 15 as one of his advisors at the 16 time, Sam Nunberg, practically 17 boasted during a Skullduggery 18 podcast interview in 2018. 19 SAM NUNBERG: I dealt in 20 birtherism. I peddled birtherism. 21 I knew Barack Obama was born in 22 the United States. 23 MICHAEL ISIKOFF: So wait, 24 wait -- now, wait a second. All</p>	<p>1 special six-part podcast brought 2 to you by Skullduggery. 3 In this series, we've 4 explored how one young man's 5 unsolved murder on the streets of 6 Washington, DC, has been twisted 7 into a web of conspiracy and 8 paranoia. The story provides an 9 illuminating window into how these 10 crazy theories are spawned and 11 manipulated in the swirl of social 12 media, sometimes for cash, 13 sometimes for publicity, and often 14 for brazenly dishonest political 15 purposes causing anguish and pain 16 to even the most innocent 17 bystanders. 18 This is Episode 6: 19 Collateral Damage. 20 Conspiracy theories, of 21 course, have been part of the 22 American fabric since the earliest 23 days of the republic. It's a 24 point that author Anna Merlan</p>



Page 10	Page 12
<p>1 makes in her new book "Republic of 2 Lies: American Conspiracy 3 Theorists and Their Surprising 4 Rise to Power." 5 ANNA MERLAN: The founding 6 fathers believed that Native 7 Americans were either controlled 8 by the devil or were controlled by 9 a secret super Native American who 10 was guiding insurrections against 11 them. 12 MICHAEL ISIKOFF: In the 13 19th Century, the Know Nothings 14 were obsessed with the idea of 15 secret papal plots. In the 20th 16 Century, the John Birch Society 17 sounded the alarm about communists 18 at the highest levels of the US 19 government. But in the aftermath 20 of the Kennedy assassination, 21 Watergate, and the Church 22 Committee, which revealed, among 23 other things, a CIA mind control 24 program that used LSD on</p>	<p>1 people to self-produce conspiracy 2 ideas and to find each other. And 3 they have all these tools to do 4 it, like Twitter, where they can 5 put their ideas into the public 6 square, into the mainstream, 7 directly, immediately. People 8 will see them in a way that they 9 wouldn't have, you know, 20 years 10 ago even. 11 MICHAEL ISIKOFF: And the 12 story of Seth Rich is a prime case 13 in point. 14 ANNA MERLAN: The thing that 15 was really astonishing to me about 16 the Seth Rich story is how many 17 people chose to involve themselves 18 in it from every, sort of, level 19 of society. From the zealous 20 conspiracy entrepreneurs who 21 nobody knows who they are, just 22 guys shouting into YouTube videos 23 and Periscopes, all the way up to, 24 as far as we know, perhaps the</p>
Page 11	Page 13
<p>1 unsuspecting Americans, the idea 2 of government conspiracies run by 3 a deep state got traction on all 4 sides of the American political 5 spectrum. 6 ANNA MERLAN: It became 7 abundantly clear what had been 8 going on in specifically the '60s, 9 but the '50s and '60s, and it 10 created, I would argue, like, a 11 permanent legacy of distrust that 12 we -- we are probably never going 13 to be able to rid ourselves of as 14 a country. 15 MICHAEL ISIKOFF: Still with 16 the introduction of social media, 17 the spread of conspiracy theories 18 have shifted into overdrive. 19 ANNA MERLAN: We are in one 20 of the strongest periods of 21 conspiracy culture that we've ever 22 seen, and social media and tools 23 like blogging platforms and 24 YouTube made it much easier for</p>	<p>1 White House. A lot of people had 2 an investment in talking about and 3 spreading that story, and it 4 worked on every side of the 5 political spectrum. 6 MICHAEL ISIKOFF: As we 7 explained in our last episode, in 8 May 2017, Fox News was forced to 9 retract its fake story that 10 murdered DNC staffer Seth Rich had 11 slipped internal e-mails to 12 WikiLeaks. But oddly, that huge 13 embarrassment for the cable news 14 network only encouraged even 15 wilder versions of same story. 16 - - - 17 (Music) 18 - - - 19 ROGER STONE: Welcome to the 20 Stone Cold Truth here on the 21 Genesis... 22 MICHAEL ISIKOFF: And sure 23 enough, Jerome Corsi was smack in 24 the middle of it, talking it up</p>



Page 14	Page 16
<p>1 with his comrade in arms, Roger 2 Stone on Stone's podcast. 3 ROGER STONE: Let's go 4 through what we know to be facts. 5 Seth Rich indisputably 6 headed the division, the IT 7 division, at the DNC from which 8 documents were purloined and 9 published by WikiLeaks. That is a 10 fact. 11 MICHAEL ISIKOFF: Quick 12 reminder: Everything Stone is 13 saying here is false. Rich didn't 14 head the IT division at the DNC or 15 even work in it, and there's not a 16 shred of evidence he leaked any 17 e-mails to WikiLeaks. 18 Now back to Stone's podcast. 19 ROGER STONE: On the line we 20 have the Washington bureau chief 21 for Infowars.com. Dr. Jerry Corsi 22 joins us now. 23 Welcome to the Stone Cold 24 Truth, Dr. Corsi.</p>	<p>1 basically try to save people like 2 Seth Rich. 3 MICHAEL ISIKOFF: Corsi and 4 Stone never quite explained Seth 5 Rich's role in this supposed CIA 6 caper, but they pointed the 7 conspiracies around his unsolved 8 murder in a new sinister 9 direction: Blaming the Rich 10 family themselves for concealing 11 the truth about their son's death. 12 ROGER STONE: It seems like 13 there is a massive international 14 news blackout. We're being told 15 we can't even discuss this. The 16 official house (indiscernible) the 17 Central Intelligence Agency, The 18 Washington Post, ran an op-ed late 19 last week in which the family 20 appeals for privacy. 21 Now, I respect their right 22 to privacy. But in my opinion, 23 the American people's right to 24 truth trumps their right to</p>
Page 15	Page 17
<p>1 JEROME CORSI: Very pleased 2 to be back. Thank you. 3 MICHAEL ISIKOFF: Corsi used 4 the opportunity to promote an 5 upcoming three-part series on the 6 Seth Rich case he was about to 7 publish on the Infowars website. 8 JEROME CORSI: Seth Rich was 9 not a hacker. He was a leaker. 10 He got Podesta's e-mails -- no one 11 else had Podesta's e-mails -- and 12 he released them to WikiLeaks. 13 MICHAEL ISIKOFF: He 14 unveiled a new convoluted theory 15 about who is really behind the 16 hacking of the DNC e-mails and how 17 they wound up with WikiLeaks. 18 JEROME CORSI: I think I 19 have really figured it out. It 20 was a CIA hit on the Democratic 21 party. And they decided they'd 22 blame it on Russia. They made it 23 look like Russia. I think 24 Russia's entry into this was to</p>	<p>1 privacy. 2 MICHAEL ISIKOFF: Soon 3 enough Stone and Corsi would get 4 preoccupied, finding themselves in 5 the cross hairs of Special Counsel 6 Robert Mueller over their 7 stumbling efforts during the 2016 8 election to find out what was in 9 those WikiLeaks e-mails. 10 In January 2019, Stone was 11 indicted for lying to congress, 12 including about his communications 13 with Corsi. Two months later, 14 under the threat of litigation, 15 Corsi apologized and retracted one 16 of his Seth Rich stories, 17 admitting his account was not 18 based on, as he put it, any 19 independent factual knowledge. 20 After the Fox News fiasco, 21 the internet conspiracy horde 22 focused on another member of the 23 Rich family: Aaron Rich, Seth's 24 older brother, an IT specialist</p>



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<p>1 for Northrop Grumman in Colorado.</p> <p>2 MATT COUCH: We do believe</p> <p>3 that it's possible that Aaron and</p> <p>4 Seth worked together and did the</p> <p>5 leaks together, folks.</p> <p>6 MICHAEL ISIKOFF: Matt Couch</p> <p>7 is a one-time sales manager living</p> <p>8 in the Arkansas Ozarks who has</p> <p>9 become a conspiracy entrepreneur</p> <p>10 garnering over 200,000 followers</p> <p>11 on Twitter. Here he is</p> <p>12 livestreaming on Twitter's</p> <p>13 Periscope where viewers can post</p> <p>14 comments in real time.</p> <p>15 MATT COUCH: Why are they</p> <p>16 covering everything up? Why did</p> <p>17 Aaron Rich try to stop this</p> <p>18 investigation? And that's what my</p> <p>19 team is trying to figure out. Why</p> <p>20 is no one talking about this? Why</p> <p>21 will no one in the mainstream</p> <p>22 media touch this?</p> <p>23 Thank you, Ed. And I'm</p> <p>24 going to follow Ed here. I've</p>	<p>1 Couch and Butowsky chose to focus</p> <p>2 on Aaron Rich was never clear. It</p> <p>3 is true that Aaron had custody of</p> <p>4 his brother's property, including</p> <p>5 Seth's laptop which he turned over</p> <p>6 to DC police twice for</p> <p>7 examination. The cops found</p> <p>8 nothing on that computer or</p> <p>9 anything else tying Seth's murder</p> <p>10 to his job at the DNC.</p> <p>11 As for the supposed money</p> <p>12 flow into Aaron's bank account</p> <p>13 from WikiLeaks? The basis for</p> <p>14 that was completely mysterious.</p> <p>15 The bomb is the claim that</p> <p>16 Aaron Rich was getting money from</p> <p>17 WikiLeaks. Where is that coming</p> <p>18 from?</p> <p>19 MERYL GOVERNSKI: There is</p> <p>20 no factual place where that is</p> <p>21 coming from. This is a contrived</p> <p>22 story about Aaron.</p> <p>23 MICHAEL ISIKOFF: Washington</p> <p>24 lawyer Meryl Governski has filed a</p>
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<p>1 talked to Ed.</p> <p>2 MICHAEL ISIKOFF: The "Ed"</p> <p>3 that Couch is talking about there</p> <p>4 and who had just joined the</p> <p>5 Periscope conversation is, of</p> <p>6 course, Ed Butowsky, the Dallas</p> <p>7 money man who, you may recall, was</p> <p>8 the man behind the Fox News</p> <p>9 debacle. With Couch, Butowsky</p> <p>10 found a new ally to keep his</p> <p>11 claims of a vast conspiracy alive.</p> <p>12 MATT COUCH: Ed and I have</p> <p>13 had a couple of phone calls where</p> <p>14 we've had a couple of great talks.</p> <p>15 And Ed just put it out there.</p> <p>16 Aaron Rich accepted money. Aaron</p> <p>17 Rich had money from WikiLeaks go</p> <p>18 into his personal account. Think</p> <p>19 about that. Aaron Rich had</p> <p>20 WikiLeaks money go into his</p> <p>21 personal account. Okay? We've</p> <p>22 been trying to tell you guys this.</p> <p>23 Get this information out.</p> <p>24 MICHAEL ISIKOFF: Just why</p>	<p>1 defamation lawsuit against Couch</p> <p>2 and Butowsky on behalf of Aaron.</p> <p>3 MERYL GOVERNSKI: So the key</p> <p>4 lies that they're making about</p> <p>5 Aaron is that he worked with Seth</p> <p>6 to download these materials from</p> <p>7 the DNC, that Aaron personally</p> <p>8 received money from WikiLeaks in</p> <p>9 exchange for this data from the</p> <p>10 DNC, that Aaron is covering up</p> <p>11 both his role in downloading this</p> <p>12 DNC data and in the murder of his</p> <p>13 brother. And those are all false.</p> <p>14 No truth to any of those</p> <p>15 statements.</p> <p>16 MICHAEL ISIKOFF: And yet</p> <p>17 the lies were amplified by</p> <p>18 Periscope's interactive forum in</p> <p>19 which Couch's fans chimed in with</p> <p>20 their own comments.</p> <p>21 MERYL GOVERNSKI: At this</p> <p>22 point it is off to the races from</p> <p>23 here. I mean, you have people in</p> <p>24 the comments to the Periscope</p>



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<p>1 saying as a fact Aaron Rich got 2 paid. Parents and Aaron are the 3 keys. Aaron is a snake. How does 4 Aaron sleep at night. And then 5 another follower of Matt Couch 6 says, Waterboard him and find out 7 what he knows. 8 So you see the power of 9 spreading these lies about Aaron 10 that are then retweeted and 11 claimed as facts. 12 MICHAEL ISIKOFF: The two 13 brothers had been close. Seth had 14 been the best man at Aaron's 15 wedding the year before he was 16 killed. But even that special 17 occasion was twisted by Couch. 18 MERYL GOVERNSKI: Matt will 19 use these pictures from what was a 20 very special and happy day in 21 Aaron's life and tweet statements 22 like "The apple doesn't fall far 23 from the tree." You can imagine 24 if it's your wedding picture being</p>	<p>1 JOSH: Go ahead and read it. 2 MATT COUCH: Go ahead and 3 read it, Josh says. 4 JOSH: Go ahead and read it. 5 MATT COUCH: So it says: 6 Dear Mr. Couch. I do not know you 7 and do not know -- and you do not 8 know me or my parents. 9 Unfortunately, you never had the 10 chance to meet my brother Seth. 11 If you had, I know you wouldn't be 12 spreading lies about me, my 13 parents, and my brother on all of 14 your various social media 15 accounts. For the past few months 16 you and your America First Media 17 platform have spread false 18 conspiracy theories about the 19 murder of my brother on Twitter 20 and Periscope, including 21 ridiculous and offensive 22 statements about ways that you say 23 I am involved. 24 MICHAEL ISIKOFF: Couch</p>
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<p>1 used to spread lies about you and 2 how it robs Aaron of this very 3 special moment in his life because 4 this special picture is now 5 perverted with these lies. 6 MICHAEL ISIKOFF: Aaron was 7 so horrified about what was being 8 said about him and his family he 9 tried to reason with Couch, 10 sending him a certified letter 11 pleading with him to stop. 12 MATT COUCH: So we just 13 picked up the letter from Aaron 14 Rich. So far we're still 15 breathing so there's no -- no 16 resin or anthrax or anything on 17 it. 18 MICHAEL ISIKOFF: Couch's 19 response was contemptuous. Here 20 he is, driving around, with one of 21 his confederates named Josh and 22 Periscoping while they did so. 23 MATT COUCH: Josh, should I 24 read it?</p>	<p>1 interrupts with little sidekick 2 banter for the Periscope show. 3 MATT COUCH: Josh, have we 4 ever said Aaron Rich killed his 5 brother? 6 JOSH: No. 7 MATT COUCH: No. Now, I 8 don't believe we ever said Aaron 9 Rich killed his brother. No. 10 JOSH: No. 11 MATT COUCH: Now, did we say 12 he was involved in helping cover 13 things up? Yeah. 14 JOSH: Um-hm. 15 MATT COUCH: Yeah, we did. 16 Because, Aaron, you won't release 17 the phone records. Aaron, you 18 won't release the laptops. You 19 won't release the phone. You 20 won't cooperate with 21 investigators. So yeah, we have 22 said that you covered things up, 23 but we never once said that you 24 killed your brother.</p>

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<p>1 MICHAEL ISIKOFF: Just to be 2 completely clear, Aaron had 3 cooperated with the DC police. 4 But he was not about to turn his 5 brother's personal records over to 6 an internet troll like Matt Couch. 7 MERYL GOVERNSKI: In this 8 age of internet conspiracy 9 theories, an individual like Matt 10 Couch can invent a story and then 11 demand that a private citizen turn 12 over proof to him to prove his 13 innocence. He essentially is 14 asking Aaron to give him his bank 15 records in order to disprove a 16 concocted narrative. 17 MICHAEL ISIKOFF: After 18 Couch finished reading the letter 19 from Aaron and making demands that 20 he turn over bank and phone 21 records... 22 MATT COUCH: If for some 23 reason Josh and I don't wake up in 24 the morning, you'll know there was</p>	<p>1 investigations into a fake, 2 contrived narrative that they've 3 created. 4 AARON RICH: It's 5 infuriating. It's -- it's 6 devastating. It's -- I mean, 7 there are so many emotions going 8 through of, you know, why -- why 9 do you feel the need to do this. 10 MICHAEL ISIKOFF: Aaron Rich 11 is a private person who has rarely 12 spoken publicly, but he agreed to 13 talk to us about what it was like 14 to have Matt Couch taunting him 15 and trying to raise money off his 16 brother's murder. 17 AARON RICH: The -- the 18 different -- the different 19 feelings that go through watching 20 someone profit off of lies about 21 you and your family, it is 22 indescribable. I mean, it's -- 23 it's, you know, want to punch a 24 wall. It's just -- it's</p>
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<p>1 something on the letter 2 (laughing). 3 MICHAEL ISIKOFF: He then 4 appealed to his followers to send 5 him money. 6 MATT COUCH: We are 100 7 percent crowdfunded. We need your 8 help. This is what we do. 9 MICHAEL ISIKOFF: So wait a 10 second. They are fundraising off 11 the letter? 12 MERYL GOVERNSKI: They are 13 asking people to share the link, 14 to get out the message, to spread 15 their own notoriety and sending 16 out a link to their Fundly 17 profile. 18 MICHAEL ISIKOFF: And 19 offering tee shirts. 20 MERYL GOVERNSKI: Right. 21 They offer America First Media tee 22 shirts. And they've collected at 23 least tens of thousands of dollars 24 to fund these, you know, so-called</p>	<p>1 everything. You know, and then 2 the lies are so gross that they're 3 threatening your livelihood. 4 MICHAEL ISIKOFF: Prosecutor 5 Deborah Sines had the unenviable 6 task of questioning Aaron about 7 Couch's allegations, as she had to 8 do with all the conspiracy claims 9 no matter how absurd, just to make 10 sure there was nothing to any of 11 them. 12 DEBORAH SINES: You try 13 asking a decedent's brother Did 14 you kill your brother? Did you 15 have anything to do with his 16 murder? Are you the one that set 17 this up? It's horrible. It's 18 awful. 19 AARON RICH: I never would 20 expect to go and be having to 21 testify in a grand jury about my 22 alleged involvement into my 23 brother's death. Never would have 24 expected that. Yeah. Just</p>



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<p>1 completely unimaginable that 2 that's where things got to. 3 MICHAEL ISIKOFF: So you had 4 to go in there to the grand jury 5 and she has to ask you question by 6 question about what Matt Couch had 7 been saying? 8 AARON RICH: Every -- 9 correct. Every -- every 10 accusation that had been made 11 about me was questioned. I left 12 that and just broke down of 13 sitting there realizing am I 14 really having to sit here and do 15 this because people can just tell 16 lies. And I have to keep 17 suffering the consequences of 18 those lies. 19 MICHAEL ISIKOFF: How has 20 all this affected your life? 21 AARON RICH: Completely 22 upended it. You would figure that 23 the day your brother's killed is 24 the worst day of your life. And</p>	<p>1 in this country we have a pretty 2 tidy little conspiracy cottage 3 industry that is devoted really to 4 hounding people who have lost 5 loved ones in violent ways, and 6 Aaron and Joel and Mary Rich were 7 a very unique example of that. 8 MICHAEL ISIKOFF: It's not 9 just the families. Joe Capone was 10 the manager of Lou's City Bar, 11 Seth's favorite hangout, and they 12 got to be friends. Capone found 13 himself a target of suspicion by 14 the conspiracy theorists because 15 of random events like a family 16 sightseeing trip. 17 JOE CAPONE: I went on a 18 tour of the White House with my 19 children three days before he was 20 shot, so of course there's 21 something going on. 22 MICHAEL ISIKOFF: What were 23 you doing at the White House? 24 JOE CAPONE: My daughter had</p>
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<p>1 it turned out it can actually go 2 downhill from there. I want to 3 have a normal day again where I 4 don't have to be worrying about 5 all this. And who knows when that 6 will be, if that will ever be 7 again. 8 ANNA MERLAN: Pretty much 9 everyone who loses a loved one in 10 a mass shooting that gets a 11 significant amount of media 12 attention is at some point told 13 that their family member was a 14 crisis actor who didn't really 15 die. 16 - - - 17 (Promo) 18 - - - 19 MICHAEL ISIKOFF: Author 20 Anna Merlan says that with the 21 rise of social media, attacking 22 the families of victims is a 23 vicious new turn. 24 ANNA MERLAN: Unfortunately,</p>	<p>1 a friend coming in from Canada and 2 she had never been to the -- we 3 wanted to do something fun with 4 her. 5 MICHAEL ISIKOFF: It was the 6 public tour. 7 JOE CAPONE: It was the 8 public tour. You get to see the 9 Blue Room, the Green Room. 10 MICHAEL ISIKOFF: And so 11 your name shows up on the White 12 House visitor -- 13 JOE CAPONE: Yeah. 14 MICHAEL ISIKOFF: -- logs. 15 JOE CAPONE: Yes. 16 MICHAEL ISIKOFF: And 17 somebody sees this. 18 JOE CAPONE: Yes. 19 MICHAEL ISIKOFF: Who saw it 20 and what did they do with that 21 information? 22 JOE CAPONE: There's a lot 23 of -- there's one guy -- I'm 24 blanking on his name -- Matt</p>



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<p>1 Couch --</p> <p>2 MICHAEL ISIKOFF: Yup. We</p> <p>3 know him.</p> <p>4 JOE CAPONE: -- that's --</p> <p>5 you know, he assumes a bunch of</p> <p>6 things. There's a whole list. He</p> <p>7 has my name up here on Twitter all</p> <p>8 over the place. He put pictures</p> <p>9 of my family on Twitter. How'd</p> <p>10 you like me to put your kids on</p> <p>11 the internet when they're not</p> <p>12 involved with that?</p> <p>13 MICHAEL ISIKOFF: What was</p> <p>14 Matt Couch saying was the</p> <p>15 significance of the fact that you</p> <p>16 had been to the White House on</p> <p>17 July 6th?</p> <p>18 JOE CAPONE: That -- that</p> <p>19 there were secret meetings going</p> <p>20 on.</p> <p>21 MICHAEL ISIKOFF: Secret</p> <p>22 meetings with who?</p> <p>23 JOE CAPONE: Hillary, you</p> <p>24 know.</p>	<p>1 sleuths jumped on what he said.</p> <p>2 MARK MUELLER: I was at work</p> <p>3 one day and I got a call from an</p> <p>4 ex saying watch out. There's</p> <p>5 people after you. Sent me some</p> <p>6 screenshots from Twitter and</p> <p>7 Facebook and whatever. And</p> <p>8 suddenly I realized I had all</p> <p>9 these people putting stuff out on</p> <p>10 the internet about me. Fake</p> <p>11 stuff.</p> <p>12 MICHAEL ISIKOFF: Soon</p> <p>13 enough, Mueller was being linked</p> <p>14 to Jeffrey Dahmer, the notorious</p> <p>15 Milwaukee serial killer.</p> <p>16 How did they draw that</p> <p>17 connection? What was --</p> <p>18 MARK MUELLER: Who knows.</p> <p>19 I'm from Wisconsin near Milwaukee</p> <p>20 where Jeffrey Dahmer was from.</p> <p>21 They would take pictures of</p> <p>22 Jeffrey Dahmer and Dexter and they</p> <p>23 would superimpose my face on</p> <p>24 theirs. When they published the</p>
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<p>1 MICHAEL ISIKOFF: You were</p> <p>2 conspiring with Hillary Clinton</p> <p>3 or --</p> <p>4 JOE CAPONE: I must have</p> <p>5 been. Right?</p> <p>6 MICHAEL ISIKOFF: -- aides</p> <p>7 to Hillary Clinton?</p> <p>8 JOE CAPONE: Yeah. I've</p> <p>9 never met Hillary. I've never</p> <p>10 seen any of these people. This</p> <p>11 stuff -- my kids don't need to</p> <p>12 hear this stuff. My family</p> <p>13 doesn't need to hear this stuff --</p> <p>14 of stuff that I'm getting blamed</p> <p>15 for that -- that I haven't done</p> <p>16 anything. Seth was my friend.</p> <p>17 MICHAEL ISIKOFF: Mark</p> <p>18 Mueller wasn't a friend of Seth's,</p> <p>19 but he too got sucked into the</p> <p>20 conspiracy. As you might remember</p> <p>21 from Episode 1, he was the first</p> <p>22 neighbor on the scene of the</p> <p>23 killing. After he gave interviews</p> <p>24 to local TV stations, the internet</p>	<p>1 phone numbers and the addresses of</p> <p>2 all my brothers and sisters and me</p> <p>3 and my neighbors, that's pretty</p> <p>4 vicious. They were coming at in</p> <p>5 various ways over and over and</p> <p>6 over again and contacting me</p> <p>7 through every one of my e-mail</p> <p>8 accounts and calling me at work</p> <p>9 and calling me at home and my cell</p> <p>10 phone. It's pretty intense.</p> <p>11 Yeah.</p> <p>12 MICHAEL ISIKOFF: How</p> <p>13 freaked out were you?</p> <p>14 MARK MUELLER: Well, freaked</p> <p>15 out enough that I stayed away from</p> <p>16 the house every weekend. Drank a</p> <p>17 little bit. I had Airbnb in the</p> <p>18 basement so then suddenly I had to</p> <p>19 start turning people away that</p> <p>20 might be, you know, alt-right</p> <p>21 trying to get into my home.</p> <p>22 MICHAEL ISIKOFF: Because</p> <p>23 of --</p> <p>24 MARK MUELLER: Because --</p>

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<p>1 MICHAEL ISIKOFF: -- these 2 trolls? 3 MARK MUELLER: Like Matt 4 Couch. 5 MICHAEL ISIKOFF: Couch did 6 not respond to multiple requests 7 to be interviewed for this 8 podcast. 9 On July 9, 2019, after 10 nearly two years of tweets and 11 Periscopes, Couch wrote a letter 12 to the federal judge overseeing 13 the defamation lawsuit brought by 14 Aaron Rich. He said he was 15 removing all content relating to 16 Aaron from his website and was, 17 quote, even willing to issue an 18 apology to Mr. Rich. He made no 19 reference to those like Mueller 20 and Capone who he had also claimed 21 were part of a supposed Seth Rich 22 coverup. 23 And Couch made clear that 24 Seth himself was still fair game,</p>	<p>1 MALE VOICE: Turning to our 2 final case for today, which is 3 Rich versus Fox News. Okay. 4 Ready to go? 5 ARUN SUBRAMANIAN: Ready to 6 go. 7 MALE VOICE: Go right ahead. 8 MICHAEL ISIKOFF: How far 9 can conspiracy theorists go in 10 tormenting innocent bystanders 11 like Joe Capone and families like 12 the Riches without facing any 13 consequences? What constitutes 14 outrageous conduct for which the 15 perpetrators can be held 16 accountable? Those issues were 17 squarely on the table in a 18 New York courtroom on February 4, 19 2019. 20 You may remember a federal 21 judge had rejected a lawsuit filed 22 by the Riches against Fox News and 23 Ed Butowsky over the cable news 24 network's bogus story that their</p>
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<p>1 later telling a YouTube host who 2 goes by the name SpaceShot76 that 3 he had big plans in the works. 4 MATT COUCH: We're gonna do 5 a Seth video series. 6 SPACESHOT76: Nice. 7 MATT COUCH: And we'll kind 8 of go piece by piece by piece with 9 the investigations there. That 10 probably -- somebody's probably 11 choking some Tums down in DC right 12 now. We are in talks and we are 13 really close to having a book deal 14 finalized as well. I'm gonna 15 write a book on the Seth Rich 16 investigation as well. I'd love 17 to have it out by Christmas if we 18 can. It's gonna be a push, but 19 we're gonna see what happens. 20 It'll be out for Christmas. 21 SPACESHOT76: Well, you got 22 a sale right here for sure because 23 I'd definitely be ingesting that 24 100 percent.</p>	<p>1 son had stolen internal e-mails 2 from the DNC and leaked them to 3 WikiLeaks. 4 But the Riches weren't 5 giving up. They took their case 6 to the US Court of Appeals. Their 7 lawyer, Arun Subramanian, laid out 8 their argument. 9 ARUN SUBRAMANIAN: The 10 defendants in this case targeted 11 and victimized two grieving 12 parents shortly after their son 13 had been murdered, turned them 14 into pawns in a political game, 15 and enlisted them in pushing a 16 false story about their dead son. 17 MICHAEL ISIKOFF: The 18 lawsuit raised complicated issues. 19 The Riches contend they had 20 suffered pain, anguish, and 21 emotional distress as a result of 22 Fox News' reckless falsehoods. 23 Usually the courts are reluctant 24 to entertain such arguments for</p>



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<p>1 fear of infringing on First 2 Amendment freedoms, but in this 3 case the arguments got bogged down 4 on the question of who exactly had 5 been defamed: Seth, who was 6 deceased, or Joel and Mary. 7 One of the judges, Guido 8 Calabresi, zeroed in on the crux 9 of the legal issue. 10 JUDGE CALABRESI: You have 11 to convince us that this was 12 outrageous with respect to the 13 parents, not outrageous with 14 respect to the son who was killed 15 which would support a defamation 16 were he still alive. 17 MICHAEL ISIKOFF: A key part 18 of the Riches' argument was that 19 Butowsky had tricked them into 20 hiring a private investigator, Rod 21 Wheeler, who then falsely 22 confirmed the bogus Fox story, a 23 story that, without any evidence, 24 portrayed their son as a thief and</p>	<p>1 respects. First, the Riches seek 2 to recover damages for the 3 emotional injury that they 4 suffered as a result of the 5 defamation of their son. No case 6 cited by either party or which we 7 are aware has ever allowed the 8 family of a deceased to recover 9 for injuries that they suffered 10 arising from the defamation of a 11 relative. That is true whether 12 the claims are -- 13 JUDGE CALABRESI: Now, wait 14 a second. Let's -- let's just 15 separate a few things. First, 16 let's assume that the son is in a 17 coma, but is still alive, and a 18 defamation suit is brought. Are 19 the allegations here sufficient so 20 that they would go forward in the 21 face of your First Amendment 22 arguments? In a defamation suit, 23 all of these things here, would 24 they be enough so that they would</p>
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<p>1 a leaker. 2 ARUN SUBRAMANIAN: Indeed, 3 in this case we're not saying that 4 Fox somehow became aware of this 5 after the fact; we're saying that 6 Fox knew of this entire scheme 7 from the get-go. 8 JUDGE CALABRESI: Last case 9 was contract... 10 MICHAEL ISIKOFF: Fox News 11 in its brief had asserted that the 12 cable news network had been 13 engaged in First Amendment 14 protected journalism, even if its 15 story had been retracted. But 16 when it came time for Fox lawyer 17 Joe Terry to make his case, he ran 18 into some tough questioning from 19 Judge Calabresi. 20 JOE TERRY: Good afternoon, 21 Your Honors. May it please the 22 court, Joe Terry for Fox News. 23 The claims asserted by the 24 Riches are unprecedented in two</p>	<p>1 go forward? Because I would 2 suggest that they do. And if that 3 is so, then all the First 4 Amendment stuff in your brief is a 5 waste of time. 6 JOE TERRY: There are lots 7 of cases where people allege that 8 they were deceived by reporters, 9 sometimes in ways that we would 10 all think is relatively 11 unpleasant, like lying to rape 12 victims. The courts have 13 uniformly found that that conduct 14 is not sufficient to give rise to 15 such a claim. And I think that 16 when you layer on the fact that 17 there are significant First 18 Amendment concerns raised by this, 19 there are sufficient reasons to 20 uphold the district court's 21 decision -- 22 JUDGE CALABRESI: If I may 23 say so, very well argued by both 24 sides.</p>



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<p>1 MICHAEL ISIKOFF: The 2 appeals court has yet to rule on 3 this case, but how it does could 4 have large implications for 5 America's booming conspiracy 6 industry. It's an industry, we 7 should note, that is of increasing 8 concern to the FBI. 9 In a May 30, 2019, 10 intelligence bulletin obtained by 11 Yahoo News contributor Janet 12 Winter, the bureau, for first 13 time, labeled fringe political 14 conspiracy theories a domestic law 15 enforcement threat. The bulletin 16 pointed to growing evidence that 17 the wild and baseless claims on 18 social media are motivating 19 extremists to take violent action 20 citing examples that range from 21 Pizzagate to the harassment of the 22 Sandy Hook families to the arrest 23 of two men who were plotting an 24 attack on a research facility in</p>	<p>1 down to police headquarters to 2 talk to the top cop in charge of 3 the case. 4 LESLIE PARSONS: So my name 5 is Leslie Parsons. I'm the 6 commander of the criminal 7 investigations division for the 8 Metropolitan Police Department in 9 Washington, DC. 10 MICHAEL ISIKOFF: As Parsons 11 told us, the wild conspiracy 12 theories about Seth Rich's death 13 have been a major problem for 14 investigators. 15 LESLIE PARSONS: It's 16 disheartening to all the 17 detectives that are working on any 18 case when information is put out 19 that's false or misleading to the 20 public. It also causes the 21 detectives to go down an angle and 22 investigate something that comes 23 in that clearly isn't true. It's 24 a conspiracy theory. But it takes</p>
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<p>1 Alaska that they believed, from 2 watching online videos, the US 3 government was using to control 4 the weather and prevent humans 5 from talking to God. 6 Back to Seth's unsolved 7 murder. 8 Few have had a tougher time 9 dealing with the real-world 10 implications of the conspiracies 11 around this case than the 12 Washington Police Department, 13 which after three years has gotten 14 nowhere trying to solve the crime. 15 MALE VOICE: Can I help you? 16 MALE VOICE: Yeah. Kristen 17 in communications is expecting us. 18 MALE VOICE: Do you have a 19 phone number? 20 MALE VOICE: Yes. 21 MALE VOICE: Can I see 22 everybody's ID, please? 23 MALE VOICE: Sure. 24 MICHAEL ISIKOFF: We went</p>	<p>1 police resources. 2 MICHAEL ISIKOFF: The DC 3 police have examined and 4 re-examined Seth's laptop, they've 5 pored over his bank records, 6 they've interviewed scores of 7 former colleagues and friends. 8 Their firm conclusion? 9 LESLIE PARSONS: We have no 10 evidence at all that leads to this 11 being something related to his 12 employment or any sort of 13 conspiracy theory whatsoever. 14 MICHAEL ISIKOFF: No 15 indication he was in communication 16 with WikiLeaks. No indication he 17 was getting paid from some outside 18 source. No indication that he was 19 in communication with anybody who 20 had any political motive. So fair 21 to assume you've examined all 22 those angles and have found zero, 23 zilch, that would support it. 24 LESLIE PARSONS: Correct.</p>



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<p>1 There is nothing to suggest this</p> <p>2 is part of any conspiracy theory</p> <p>3 out there. It's been the</p> <p>4 statement of the Metropolitan</p> <p>5 Police Department since the</p> <p>6 beginning that this was an</p> <p>7 attempted robbery gone bad.</p> <p>8 There's nothing else to suggest</p> <p>9 it's anything other than that.</p> <p>10 MICHAEL ISIKOFF: You may</p> <p>11 remember the rash of robberies in</p> <p>12 the Bloomingdale neighborhood</p> <p>13 during the summer of 2016 that</p> <p>14 police believe were related to</p> <p>15 Seth's death. The police has made</p> <p>16 little progress in solving them.</p> <p>17 And in the few cases where they</p> <p>18 did make arrests, they got no</p> <p>19 information about who might have</p> <p>20 been behind the murder.</p> <p>21 Do you have any suspects?</p> <p>22 LESLIE PARSONS: There's</p> <p>23 nothing at this time that I would</p> <p>24 want to divulge to the public.</p>	<p>1 been assigned to his son's murder,</p> <p>2 a detective from the major</p> <p>3 case/cold case squad. The idea is</p> <p>4 to bring a fresh set of eyes to</p> <p>5 what had become a stale</p> <p>6 investigation.</p> <p>7 The lack of progress has</p> <p>8 been frustrating for the Riches,</p> <p>9 of course, but also to Deborah</p> <p>10 Sines, the prosecutor who was in</p> <p>11 charge of the case but who retired</p> <p>12 in 2018 unable to crack it.</p> <p>13 DEBORAH SINES: Any time you</p> <p>14 can't close a murder case it sits</p> <p>15 right on your shoulders. It still</p> <p>16 does, and I don't even work there</p> <p>17 anymore. I wanted to give this to</p> <p>18 his parents and his brother, but I</p> <p>19 couldn't.</p> <p>20 MICHAEL ISIKOFF: Solving</p> <p>21 murders in the nation's capital is</p> <p>22 hard enough, Sines says.</p> <p>23 DEBORAH SINES: In</p> <p>24 Washington, DC, being a witness to</p>
Page 51	Page 53
<p>1 MICHAEL ISIKOFF: But if you</p> <p>2 had a -- a -- if you had a</p> <p>3 suspect, you could put out an</p> <p>4 artist sketch, right?</p> <p>5 LESLIE PARSONS: Any time --</p> <p>6 yeah. If we had information where</p> <p>7 we needed the assistance from the</p> <p>8 public, it would definitely be out</p> <p>9 there.</p> <p>10 MICHAEL ISIKOFF: Well, that</p> <p>11 would suggest you really don't</p> <p>12 have anybody.</p> <p>13 LESLIE PARSONS: I -- I</p> <p>14 think that's where we ended up.</p> <p>15 MICHAEL ISIKOFF: There's an</p> <p>16 important point here for context</p> <p>17 and it's a shocking one. About</p> <p>18 half of the homicides in the</p> <p>19 country are never solved at all.</p> <p>20 No arrests. No trials. No</p> <p>21 justice.</p> <p>22 Since we did that interview</p> <p>23 with Commander Parsons, Joel Rich</p> <p>24 told us that a new detective had</p>	<p>1 a murder can mean a death</p> <p>2 sentence. I've lost witnesses</p> <p>3 that were murdered because they</p> <p>4 were witnesses, because they told</p> <p>5 me what happened. There's a very</p> <p>6 strong anti-snitch culture in</p> <p>7 Washington, DC, much stronger than</p> <p>8 it is in some other areas in the</p> <p>9 country. Add assassination</p> <p>10 language, Russians, add all those</p> <p>11 buzzwords. Who wants to be a</p> <p>12 witness in a case like that?</p> <p>13 MICHAEL ISIKOFF: The wild</p> <p>14 conspiracy theories have</p> <p>15 complicated the job of police and</p> <p>16 prosecutors. The stories have</p> <p>17 penetrated to the streets,</p> <p>18 poisoning the well of potential</p> <p>19 witnesses and intimidating many</p> <p>20 others from coming forward. But</p> <p>21 Sines hasn't given up hope.</p> <p>22 DEBORAH SINES: I know that</p> <p>23 someone is going to talk. I</p> <p>24 know -- I know that. It's a lot</p>



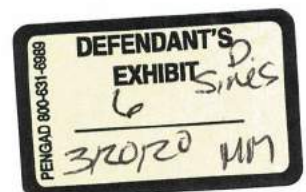
Page 54	Page 56
<p>1 easier after a couple of years go 2 by for people to talk about this 3 because they think they got away 4 with it. I am convinced that 5 Seth's murderers -- and I -- and I 6 use the term plural on purpose -- 7 I'll say there is one gunman but 8 there's also an aider and abettor. 9 I'm convinced one or both of them 10 will eventually be brought to 11 justice. 12 MICHAEL ISIKOFF: Over the 13 course of the six episodes in this 14 podcast we've traced the story of 15 Seth Rich, an earnest, idealistic 16 kid from Nebraska who early one 17 summer morning in 2016 was 18 murdered just a block and a half 19 from his home in Washington, DC. 20 That was tragic enough. But 21 his death was cynically hijacked 22 by a rogues' gallery -- Julian 23 Assange, Vladimir Putin's trolls, 24 and allies of President Trump like</p>	<p>1 heart of these conspiracy 2 theories, but don't count on it. 3 Those who believe in them will 4 never accept anything Robert 5 Mueller or the FBI or the 6 Washington police or anybody else 7 in the US government says. 8 That's why the story is 9 about much more than Seth Rich. 10 It's emblematic of the media and 11 political culture we live in, 12 illustrating how falsehoods can 13 spread from the far reaches of the 14 dark web to Twitter and Facebook 15 and then to a major cable news 16 outlet polluting the national 17 dialogue and turning innocent 18 bystanders and grieving family 19 members into collateral damage. 20 Real-life victims of the 21 Conspiracyland our country has 22 become. 23 I'm Michael Isikoff. Thanks 24 for listening.</p>
Page 55	Page 57
<p>1 Sean Hannity and Roger Stone -- 2 all of whom promoted baseless, 3 false, and dangerous versions of 4 events seemingly without any 5 consequences. 6 There was, of course, a 7 political purpose to all the Seth 8 Rich conspiracy-mongering: To 9 protect Trump and deflect 10 attention from the Russian attack 11 on the 2016 presidential election. 12 Indeed, there's strong evidence 13 that the initial version of the 14 conspiracy theory was spawned by 15 Russia's intelligence service, a 16 classic case of Kremlin 17 disinformation. 18 In April of 2019, Special 19 Counsel Robert Mueller 20 definitively stated in his final 21 report that the claims that Seth 22 leaked DNC e-mails to WikiLeaks 23 were false. You might think that 24 would put a stake through the</p>	<p>1 We need to give a couple of 2 shout-outs here. 3 First, to my Yahoo News 4 colleague Alexander Nazaryan who 5 thought investigating the 6 conspiracies around Seth Rich's 7 murder would be a good idea for a 8 podcast. 9 Thanks also to my Yahoo News 10 colleagues Charity Elder, Dan 11 Klaidman, and Mark Seaman for 12 their helpful ideas, as well as to 13 the folks from Long Story Short 14 Media for their invaluable help in 15 producing this podcast. 16 Yahoo News' Conspiracyland 17 is brought to you by Skullduggery, 18 a weekly podcast that I host with 19 Yahoo News Editor-in-Chief Dan 20 Klaidman. In each episode we 21 dissect the latest revelations and 22 controversies surrounding the 23 Trump administration, and we 24 interview key newsmakers,</p>



<p style="text-align: right;">Page 58</p> <p>1 including some of the president's  2 fiercest critics, as well as his  3 most stalwart defenders.  4 If you're enjoying this  5 series, subscribe to Skullduggery  6 and Yahoo News' Conspiracyland on  7 Apple Podcast, or wherever you get  8 your podcasts, and leave a review.  9 - - -  10 (End of audio file)  11 - - -  12  13  14  15  16  17  18  19  20  21  22  23  24</p>	<p style="text-align: right;">Page 60</p> <p>1 LAWYER'S NOTES  2 PAGE LINE  3 _____  4 _____  5 _____  6 _____  7 _____  8 _____  9 _____  10 _____  11 _____  12 _____  13 _____  14 _____  15 _____  16 _____  17 _____  18 _____  19 _____  20 _____  21 _____  22 _____  23 _____  24 _____</p>
<p style="text-align: right;">Page 59</p> <p>1 CERTIFICATE  2  3  4 I HEREBY CERTIFY that the  5 foregoing was transcribed by me from an  6 audio file to the best of my ability.  7  8  9  10 Cindy Parker  11 Dated: October 7, 2019  12  13  14  15 (The foregoing certification  16 of this transcript does not apply to any  17 reproduction of the same by any means,  18 unless under the direct control and/or  19 supervision of the certifying reporter.)  20  21  22  23  24</p>	

Affidavit of Deborah L. Sines

1. My name is Deborah L. Sines. I am currently retired and living in Florida after practicing law in Washington, D.C. for more than 35 years.
2. The statements herein are mine alone and are not being made on behalf of the United States, the U.S. Department of Justice ("DOJ"), or the United States Attorney's Office for the District of Columbia ("USAO-DC").
3. During my career, I estimate that I tried more than 100 cases and conducted approximately 500 investigations.
4. Prior to my retirement, I served as an Assistant United States Attorney ("AUSA") in the USAO-DC from 1996 to 2018, primarily in the Homicide Section.
5. I worked as a trial attorney in the DOJ Civil Rights Division, Criminal Section from 1985 to 1996.
6. I began my legal career working as a defense attorney in Washington, D.C. from 1983 to 1985.
7. In 2017, I was inducted as a Fellow into the American College of Trial Lawyers.
8. From 2016 to 2018, I was the lead AUSA assigned to the murder of Seth Rich, who was shot and killed in the 2100 block of Flagler Place, NW in Washington, D.C., on July 10, 2016.
9. For two years, I helped direct the police investigation and coordinated the prosecutorial work related to Seth Rich's murder.
10. As part of my job during the investigation of the murder of Seth Rich, I
  - personally reviewed and analyzed relevant evidence collected and/or generated by the Metropolitan Police Department for the District of Columbia ("MPD"), the Office of the Chief Medical Examiner for the District of Columbia ("OCME"), and the Department of Forensic Sciences for the District of Columbia ("DFS");
  - consulted with the above-named law enforcement agencies as well as the Federal Bureau of Investigation ("FBI") about the case;
  - personally reviewed and analyzed medical records related to the antemortem treatment of Seth Rich for his gunshot wounds;
  - personally reviewed and analyzed statements posted online about the case; and





- personally interviewed witnesses with information relevant to the criminal investigation.
11. During my involvement with the criminal investigation, I became aware of allegations published online, on-air, or in print that Seth Rich had stolen emails from the Democratic National Committee (“DNC”) – where he was employed at the time of his death – provided those emails to WikiLeaks, and was murdered as a result. For example, in May 2017, I became aware of a Fox News story, published online and on-air, alleging that Seth Rich was involved in hacking the DNC emails. In August 2017, I became aware of publications online also accusing Seth Rich’s brother, Aaron Rich, of working with his brother to download the DNC emails and sell them to WikiLeaks in exchange for monetary compensation. Other online postings linked these alleged activities to Seth Rich’s murder.
  12. I am aware of no evidence of any contact between either Seth or Aaron Rich and WikiLeaks.
  13. I am aware of no evidence that Seth Rich ever improperly downloaded information from the DNC, or that he provided such information, or any other information to WikiLeaks.
  14. I am aware of no evidence that Aaron Rich was ever involved in the transmission of stolen information from the DNC to WikiLeaks.
  15. I am aware of no evidence that Aaron Rich ever received any compensation from WikiLeaks.
  16. I have read the publicly available, redacted version of the “Report on the Investigation into Russian Interference in the 2016 Presidential Election (“Special Counsel’s Report”). I am aware of no evidence that contradicts, is inconsistent with, or undermines the conclusions in the Special Counsel’s Report (Volume I, p. 48) that “WikiLeaks and [WikiLeaks Founder Julian] Assange made several public statements apparently designed to obscure the source of the materials that WikiLeaks was releasing” and that “the statements about Seth Rich implied falsely that he had been the source of the stolen DNC emails.”
  17. I began speaking with Aaron Rich shortly after his brother’s murder, and I kept in touch with him throughout the course of my involvement in the criminal investigation. He fully cooperated with me, and, to the best of my knowledge, with the local and federal law enforcement agencies investigating his brother’s murder.
  18. Because of considerations concerning law enforcement-sensitive investigative techniques and applicable privileges and legal protections, including, but not limited to, a government or other privilege and the attorney work-product doctrine, I am unable to discuss any other topic relating to the investigation of the murder of Seth Rich.

I state under the penalty of perjury that the foregoing is true and correct.

Executed on: \_\_\_\_\_

\_\_\_\_\_  
Deborah L. Sines



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

EDWARD BUTOWSKY,

Plaintiff,

v.

MICHAEL GOTTLIEB, *et al.*,

Defendants.

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CASE NO. 4:19-CV-00180-ALM-KPJ

**ORDER**

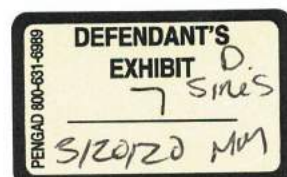
On March 3, 2020, the Court held a status conference (the “Hearing”) regarding the parties’ pending motions and Plaintiff Edward Butowsky’s (“Plaintiff”) request to amend his Amended Complaint (Dkt. 101). *See* Docket Entry on March 3, 2020. For the reasons stated on the record at the Hearing, the Court **ORDERS** the following:

**IT IS HEREBY ORDERED** that Plaintiff’s Amended Motion to Strike (Dkt. 180) and Plaintiff’s Motion for Leave to File Supplemental Complaint (Dkt. 192) are **GRANTED IN PART** and **DENIED IN PART**. Plaintiff shall file an amended complaint with the amendments discussed at the Hearing by **March 11, 2020**. As stated on the record, no further amendments to Plaintiff’s complaint will be allowed until any pending motions to dismiss are resolved.

**IT IS FURTHER ORDERED** that Defendants’ Motions to Dismiss (Dkts. 104, 105, 107, 108, 109, 110, 112, 114) are hereby **DENIED AS MOOT**, as the Court will address Rule 12 motions as to the live pleadings only.

**IT IS FURTHER ORDERED** that Defendants shall refile any motion to dismiss Plaintiff’s amended complaint by **April 1, 2020**. Defendant Vox Media, Inc. (“Vox”) shall include with its motion to dismiss for lack of jurisdiction the jurisdictional evidence pertaining to Vox’s Texas employees as discussed at the Hearing. Plaintiff shall file a response to all refiled motions

to



dismiss by **May 1, 2020**. Defendants shall file a reply in support of their refiled motions to dismiss, if any, by **May 8, 2020**. As discussed at the Hearing, no extensions to this briefing schedule will be granted absent extenuating circumstances.

**IT IS FURTHER ORDERED** that the parties shall appear for oral argument before the undersigned regarding the Defendants' refiled motions to dismiss on **May 21, 2020, at 9:30 a.m.**, at the Plano Courthouse, Courtroom 108, 7940 Preston Road, Plano, Texas, 75024.

**IT IS FURTHER ORDERED** that Plaintiff and Defendants Michael Gottlieb, Meryl Governski, and Boies Schiller Flexner LLP's Joint Motion to Stay Discovery (Dkt. 175) is **GRANTED**. As discussed at the Hearing, discovery is **STAYED** until the resolution of all Defendants' refiled motions to dismiss.

**IT IS FURTHER ORDERED** that Plaintiff's Unopposed Motion to Reschedule Hearing (Dkt. 196) is **GRANTED**. If any claims remain after resolution of Defendants' refiled motions to dismiss, the Court will reschedule the parties' Rule 16 Management Conference at that time.

So **ORDERED** and **SIGNED** this 4th day of March, 2020.



KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE





U.S. Department of Justice

Timothy J. Shea  
United States Attorney

*District of Columbia*

---

*Judiciary Center  
555 Fourth St., N.W.  
Washington, D.C. 20530*

March 2, 2020

***By First-Class Mail and Email to:***

Ty Clevenger, Esquire  
P.O. Box 20753  
Brooklyn, N.Y. 11202-0753  
[tyclevenger@yahoo.com](mailto:tyclevenger@yahoo.com)

Re: Edward Butowsky v. David Folkenflik, et al., Case No. 4:18-cv-00442-ALM  
(E.D. Tex.) and Edward Butowsky v. Michael Gottlieb, et al., Case No. 4:19-cv-  
00180-ALM-KPJ (E.D. Tex.)

Dear Mr. Clevenger:

By letter dated February 17, 2020, to Joseph D. Brown, United States Attorney for the Eastern District of Texas, you requested that the Department of Justice authorize Ms. Deborah Sines to testify regarding matters related to her former employment as an Assistant United States Attorney in the United States Attorney's Office for the District of Columbia. Included with your letter were subpoenas issued in the above-captioned cases directed to Ms. Sines which command her to appear for a deposition in Palm Coast, Florida, on March 20, 2020, and to produce certain documents in Palm Coast, Florida, by no later than March 16, 2020.

Your request has been referred to this Office for a response, and this letter is being sent to you on behalf of the Department of Justice and this Office pursuant to Fed. R. Civ. P. 45(d)(2)(B) and the so-called *Touhy* regulations, 28 C.F.R. Part 16, Subpart B, adopted by the Department of Justice governing the disclosure of official information in federal and state proceedings. *See generally United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951). In this connection, this letter responds to the subpoenas only on behalf of Ms. Sines in her former official capacity as an employee of this Office and the Department of Justice, and so is without prejudice to any defenses to the subpoenas that may be available to Ms. Sines in her personal capacity. We do not represent Ms. Sines in her personal capacity in this matter.

The subpoenas issued to Ms. Sines are in support of private federal court litigation to which the United States is not a party. The Department of Justice regulations referenced above

impose a general prohibition against the disclosure of official information in federal and state proceedings in which the United States is not a party, and require that whenever a demand is made in such a proceeding for oral testimony by a current or former Department employee relating to that individual's employment "an affidavit, or if that is not feasible, a statement by the party seeking the testimony or his attorney, setting forth a summary of the testimony sought and its relevance to the proceeding, must be furnished to the responsible U.S. Attorney." 28 C.F.R. § 16.22(c). Similarly, whenever a demand is made for official information other than oral testimony in such a proceeding, the responsible U.S. Attorney "shall request a summary of the information sought and its relevance to the proceeding." 28 C.F.R. § 16.22(d). The Department's regulations further provide that official information may be disclosed in such a proceeding if: (1) there is no objection by the originating component (*i.e.*, this Office), (2) the demanded disclosure is appropriate under the factors specified in 28 C.F.R. § 16.26(a); and (3) none of the factors specified in 28 C.F.R. § 16.26(b) exists with respect to the demanded disclosure. *See* 28 C.F.R. § 16.24(b).

We understand from your February 27 letter to United States Attorney Brown that the testimony and records you are seeking from Ms. Sines relate generally to events surrounding the murder of Seth Rich, but your letter does not specify with particularity the scope of your proposed discovery, the specific information that you expect to elicit from Ms. Sines and to derive from the requested records, and the relevance of such information to the claims and defenses in the above-referenced cases. Therefore, we cannot authorize Ms. Sines to disclose any official information at this time, and object to the disclosure of any such information on the ground that all official information known or possessed by Ms. Sines about the Seth Rich murder is protected by privilege.

Ms. Sines was assigned to the investigation of Mr. Rich's murder when she served as an Assistant U.S. Attorney in our Office, and any official information available to her relating to the murder was obtained during the course and scope of her employment as an Assistant U.S. Attorney. Our Office and the District of Columbia Metropolitan Police Department are continuing to investigate the murder. Therefore, all official information that Ms. Sines could provide about the murder would pertain to an open and on-going criminal investigation, and so is protected from discovery by what is commonly referred to as the investigatory files or law enforcement privilege. *See, e.g., Friedman v. Bache Halsey Stuart Shields, Inc.*, 738 F.2d 1336, 1341 (D.C. Cir. 1984); *Black v. Sheraton Corp. of America*, 564 F.2d 531 (D.C. Cir. 1977).

Information about the Seth Rich murder may also be subject to other privileges, including without limitation the attorney-client privilege, the deliberative process privilege, and the attorney work-product doctrine. In addition, to the extent that there are any grand jury materials relating to the murder, such materials may be disclosed only as authorized by Fed. R. Crim. P. 6(e). And any records covered by the Privacy Act, 5 U.S.C. § 552a, may be disclosed only as permitted by that statute. We reserve the right to assert all such privileges and other protections from disclosure in the event it is ultimately determined that the records and information relating to the murder are not protected from discovery in their entirety by the investigatory files privilege.



The investigatory files privilege is qualified, and so may be overcome if a litigant's need is sufficiently great, but you have provided no information that would permit an evaluation of whether the circumstances in the above-referenced cases are sufficient to overcome that privilege, or whether the specific information that you are seeking for purposes of those cases could be disclosed without transgressing other privileges or protections from disclosure. If you will provide further information about the scope, nature, and purpose of your requested discovery, we will give further consideration to your request. In this connection, we urge you to consider whether the information you are seeking could be provided by means of a deposition by written questions pursuant to Fed. R. Civ. P. 31, or in a declaration under penalty of perjury pursuant to 28 U.S.C. § 1746, in lieu of oral testimony or document production. Proceeding under Rule 31 or Section 1746 would insure that sensitive privileged or otherwise protected information is not inadvertently released, would permit any objections to the requested discovery to be addressed in an orderly manner, would be consistent with a subpoena issuer's duty under Fed. R. Civ. P. 45(d)(1) to "take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena," and would further Fed. R. Civ. P. 1's directive that the Federal Rules of Civil Procedure be "construed and administered to secure the just, speedy, and inexpensive determination of every action." We also request that you withdraw the subpoenas that you have issued to Ms. Sines, or hold in abeyance the proposed deposition and requested document production, until we determine if we can agree on a more efficient means of furnishing the information you seek than the contemplated discovery.

Although we are willing to give further consideration to your request based on any additional information that you provide to us, we decline to grant your request at this time. Consequently, absent a subsequent express authorization to the contrary, Ms. Sines may not, in response to your subpoenas, produce any material contained in the files of the Department of Justice, disclose any information relating to or based upon material contained in the Department's files, or disclose any information or produce any material acquired as part of the performance of her official duties or because of her official status as an Assistant U.S. Attorney. *See* 28 C.F.R. § 16.22(a).

Any question about this matter may be directed to me. I can be contacted either by telephone at (202) 252-2506, or by email at [daniel.vanhorn@usdoj.gov](mailto:daniel.vanhorn@usdoj.gov).

Sincerely,

TIMOTHY J. SHEA  
United States Attorney

By: DANIEL F. VAN HORN  
Chief, Civil Division

cc: Deborah Sines, Esq.  
James Gillingham, Civil Chief, EDTX

TY CLEVINGER

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tyclevenger@yahoo.com  
Texas Bar No. 24034380

February 17, 2020

The Hon. Joseph D. Brown, U.S. Attorney  
Eastern District of Texas  
600 East Taylor Street, Suite 2000  
Sherman, Texas 75090

*Via facsimile and email*  
(903) 892-2792

Re: *Edward Butowsky v. David Folkenflik, et al.*, Case No. 4:18-cv-00442-ALM (E.D. Tex.) and *Edward Butowsky v. Michael Gottlieb, et al.*, Case No. 4:19-cv-00180-ALM-KPJ (E.D. Tex.)

Mr. Brown:

I represent Edward Butowsky in both of the cases identified above, and I have attached two subpoenas that will likely be served this week on Deborah Sines, a former Asst. U.S. Attorney in the D.C. District. Pursuant to *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951) and 28 CFR § 16.21, I write to request that the Department of Justice authorize her to testify regarding matters related to her former employment.

As you know from my previous correspondence, events surrounding the murder of Democratic National Committee employee Seth Rich are directly relevant to both cases identified above. Specifically, Mr. Butowsky alleges that the defendants defamed him when they accused him of making up false information about the circumstances surrounding Mr. Rich's murder. Among other things, some of the defendants denounced Mr. Butowsky's statement that the FBI investigated electronic devices belonging to Mr. Rich.

Ms. Sines was assigned to the investigation of Mr. Rich's murder, and she was interviewed by journalist Michael Isikoff of Yahoo!News about the murder. In August of 2019, Mr. Isikoff published the fifth episode of "Conspiracyland," wherein he interviewed Ms. Sines. A full copy of the interview can be found at <https://tunein.com/podcasts/News--Politics-Podcasts/Conspiracyland-p1231856/?topicId=132591823>. In Episode 5, Mr. Isikoff discussed a *Fox News* report that the FBI had copies of communications between Seth Rich and Wikileaks:

Isikoff: "As soon as she heard the [*Fox News*] story, Sines reached out to the FBI."

Sines: "Of course I did. Of course I did."



Isikoff: "And what did they tell you?"

Sines: "No."

Isikoff: "No."

Sines: "No. No connection between Seth and Wikileaks. And there was no evidence on his work computer of him downloading and disseminating things from the DNC."

Isikoff: "As it turned out, there was one sliver of truth in the Fox story. **The FBI had been examining Seth's computer**, not for any ties to the DNC emails or Wikileaks, but because they saw unusual activity by a foreign hacker after his death."

Sines: "There were allegations that someone, maybe more than one person, was trying to invade Seth's Gmail account and set up a separate account after Seth was murdered, and **the FBI was looking into that**. I presumed they were trying to create a fake Gmail account or get into Seth's Gmail account so they could dump false information in there."

Isikoff: "So just to be clear, **the FBI had only investigated** an attempt to hack into Seth Rich's email when they saw activity after he died. When we contacted the Bureau's Washington Field Office, a spokesperson said it had never opened an investigation into the DNC staffer's death, pointing out that the FBI had no jurisdiction over local crimes. **Andrew McCabe**, the Bureau's acting director at the time, told us something else. **He had personally reached out to his agents** when he heard the Seth Rich conspiracy stories and was informed there was nothing to them. There was no 'there' there, McCabe said he was told."

Transcript of Excerpt, *Conspiracyland*, Episode 5 (emphasis added).

I do not believe we need authorization from the Department of Justice to depose Ms. Sines about her statements to and communications with Mr. Isikoff. Likewise, I do not believe we need Department approval to obtain records and communications that were generated or exchanged after she left the Department. Nonetheless, I write to request the Department's authorization for her testimony and the production of responsive records.

Thank you for your consideration.

Sincerely,



Ty Clevenger

cc: Mr. Daniel Van Horn, Chief of the Civil Division  
U.S. Attorney's Office, D.C. District  
Mr. Richard Tischner, Chief of the Superior Court Division  
U.S. Attorney's Office, D.C. District  
Mr. Robert Wells, Asst. U.S. Attorney  
U.S. Attorney's Office, Eastern District of Texas



Gmail

Deborah Sines <iamdsines@gmail.com>

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## Today's indictment

7 messages

---

**Deborah Sines** <iamdsines@gmail.com>

Fri, Jul 13, 2018 at 12:42 PM

To: Mary Ann Rich <mrich12105@icloud.com>, jrich12105@gmail.com, aaron.rich@gmail.com

Cc: Joseph.DellaCamera@dc.gov

Good folks:

With the indictment of numerous Russian GRU intelligence agents for the 2016 DNC hack, I am hoping this will make ugly people stop falsely accusing Seth, and will also make them stop harassing you.

I hope everyone is well. I'm enjoying this thing they call retirement. Joel - you should try it!

Warmly,

Deborah

Sent from my iPad

> On Apr 29, 2018, at 11:25 PM, Mary Ann Rich <

> wrote:

>

> Hi Deborah,

>

> It was so good to talk with you on Friday. I'm jealous regarding your "retirement home". It sounds wonderful! I love to watch the Manatees, Dolphins, etc. I have a sister that lives in Florida and they have a place in the keys that they can do that and they love it.

>

> When is your last day? I would love to talk with you a little bit more regarding our discussion. Do you have any free time that we could talk a little more?

>

> Thank you for everything! You have a very special place in our hearts. Wishing you the best, you deserve it!

>

> Congratulations,

>

> Mary Rich

>

>

>

>

>

> Sent from my iPhone

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**Aaron Rich** <aaron.rich@gmail.com>

Fri, Jul 13, 2018 at 1:05 PM

To: iamdsines@gmail.com

Thanks so much for the note. It's definitely a great day with this.  
Will be interesting how the crazy people respond...

How is retirement going? Are you still in DC by chance? I'm be there next Thursday-Saturday (meeting with Michelle on Thursday) and if you

are, maybe can grab coffee?

Hope everything is going great with you.

Thanks again for everything. You are absolutely amazing!

-Aaron

-Aaron

[Quoted text hidden]

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**Deborah Sines** <iamdsines@gmail.com>  
To: Aaron Rich <aaron.rich@gmail.com>

Fri, Jul 13, 2018 at 1:17 PM

Hey Aaron - I'm in Florida living the dream just like in the movies! So, no I can't join you for coffee in DC next week. I have learned that Jack Burkman announced on the anniversary of your brother's murder, that he had a witness who said Seth was murdered by two federal agents. I'm hoping that today's announcement may have an impact on him, but I doubt it.

I hope you and yours are great.

I'm not that amazing, but I'm not too shabby!

Deborah

Sent from my iPad

[Quoted text hidden]

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**Aaron Rich** <aaron.rich@gmail.com>  
To: Deborah Sines <iamdsines@gmail.com>

Fri, Jul 13, 2018 at 1:28 PM

Damn, I was just in Florida start of this week. Melbourne area. The humidity nearly killed me.

Oh that press conference. I just refer to it as the dumpster fire... But it was hilarious watching Jack screw over Matt Couch and make a fool of himself all at the same time. But I'm sure he's not done...

I'll agree to disagree with you on your level of amazement :) you're not going to convince you aren't.

If I could send you a margarita I would. Glad it's going as great as it is.

Thanks again.

[Quoted text hidden]

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**Mary Ann Rich** <mrich12105@icloud.com>  
To: Deborah Sines <iamdsines@gmail.com>  
Cc: Joel Rich <jrich12105@gmail.com>

Fri, Jul 13, 2018 at 1:34 PM

Hi Deborah,

I have been thinking about you and wanting to write you. Thank you for your message, it would be great if people would back off.

I'm sorry I haven't checked in with you, we were in court earlier and of course I caught a bug! My immune system lacks some strength 😊. After a couple rounds of medication I am finally getting my voice and strength back.



We're waiting to hear back from the Judge on his decisions.

So retirement has been good!? Great! I keep thinking about how you described your new home. I love nature and watching the dolphins and manatees has to be living the dream!!!

How are you "keeping busy now"? Would you please give me your address. There's something I'd like to send you.

I think I told you that my sisters live down in Florida and the pictures, etc. I get jealous of at times. Lol! One has a house out on the Keys and man is that cool!

Joel, Aaron and I can't thank you enough for everything that you did for Seth and us. You should always know how much you mean to us and you have such an honorable way that you did your position. Your heart should be full of respect, honor, and love for all that you did.

But now what's the next chapter? Traveling? Consulting? Your thoughts? Lol!

I'll keep this brief but like I said, we'll keep in touch. Enjoy your new home and life! Keep in touch and if you would, send your address. I'll understand if you don't want to. After two years of this...I get that! Lol!

Best regards,

Mary and Joel

Sent from my iPhone

[Quoted text hidden]

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**Deborah Sines** <iamdsines@gmail.com>  
To: Mary Ann Rich <mrich12105@icloud.com>  
Cc: Joel Rich <jrich12105@gmail.com>

Fri, Jul 13, 2018 at 7:07 PM

Good to hear from you. I'm so sorry you got sick. I spend my days fixing my new house up and making it my home. My art collection looks amazing on these vaulted walls. I left most of my old, antique heavy furniture in DC as it doesn't work in a beach house. I have been getting rooms painted, spray painting some furniture, buying furniture, putting furniture together & cutting up cardboard so that it can be recycled. My hands stopped bleeding yesterday! Who knew I was so soft? Sadly, I didn't start using gloves until two days ago. I have stripped and resurfaced all of the lower cabinets in the kitchen, but the upper ones still are waiting for me. I planted my first bird of paradise and am still learning about tropical plants. My jade plant, cactus, corn, and bug eating pitcher plants that I brought from DC love it here. Some of the others are struggling, but I'm learning. I still read a book a week, and swim every day. I drink my morning coffee on the dock and watch all the fish. Stingrays still blow me away. Then I read the New York Times & the Washington Post. I've been doing some work with Investigation Discovery. A show will air on 7/30 at 10 pm on one of my cases on the ID channel. I plan on getting a rescue puppy & doing some volunteer work.

As for you, you don't need to send me anything. I'm good and have everything I need. It was an honor to represent Seth and you. Your kindness you have already given me. That is more than enough. Yes, you may have my address, but please, please don't give it to anyone else. Several reporters are trying to contact me about Seth's case and I have refused to speak with them because I don't want to harm Seth's Investigation.

94 Cimmaron Drive Palm Coast, FL 32137.

Take care,

Deborah

Sent from my iPhone

[Quoted text hidden]

**Mary Ann Rich** <mrich12105@icloud.com>  
To: Deborah Sines <iamdsines@gmail.com>

Fri, Jul 13, 2018 at 11:52 PM

I'm smiling and laughing as I read this! That's just wonderful!!!

I'll write more later, as you can imagine today is a whirlwind for us. Joel is having so much joy today.... I have to keep reminding him of the roller coaster ride we're on. But we did go enjoy a nice little dinner with wine and Cafe Diablo that the manager always makes for us. It feels good for a little bit to have some pressure off for a minute or two. 😊. When we got home I made him turn to Fox for a little bit....Lol!

Please don't worry we would NEVER give out your private information! I just wanted you to know that now. And thank you for trusting us. We appreciate that.

Wow! You are VERY busy!!! I was wondering about the plants and if you had taken any. Sounds interesting! I love them but I'm not very good with them inside in the last few years.

We'll have to talk about art on walls next time. I miss my vaulted walls!!!

Take care and enjoy!!!

Thank you!

Mary

Sent from my iPhone

[Quoted text hidden]



Gmail

Deborah Sines <iamdsines@gmail.com>

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**hey**

2 messages

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**Michael Isikoff** <misikoff@verizonmedia.com>  
To: iamdsines@gmail.com

Thu, May 2, 2019 at 9:52 AM

Deborah-- thanks for doing that the other day. You were excellent.  
Had a couple of fact checking questions I wanted to go over-- so please give a call when you can.  
Mike Isikoff  
c 202-258-2535

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**Michael Isikoff** <misikoff@verizonmedia.com>  
To: Deborah Sines <iamdsines@gmail.com>

Thu, May 2, 2019 at 10:03 AM

had a couple of fact-checking questions. Got a minute?  
202-258-2535

On Thu, May 2, 2019 at 9:55 AM Deborah Sines <  
Hey what?

> wrote:

Sent from my iPad

> On May 2, 2019, at 9:52 AM, Michael Isikoff <  
>

> wrote:

Gmail

Deborah Sines <iamdsines@gmail.com>

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**Re: I just read your article**

1 message

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**Andy Kroll** <akroll@rollingstone.com>  
To: Deborah Sines <iamdsines@gmail.com>

Tue, Apr 23, 2019 at 9:43 PM

You beat me to it! Thanks. More to come soon...

Andy Kroll  
D.C. Bureau Chief  
Rolling Stone

—  
202-695-2563

@AndyKroll

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**From:** Deborah Sines < >  
**Sent:** Tuesday, April 23, 2019 9:19:02 PM  
**To:** Andy Kroll  
**Subject:** I just read your article

Terrific job.

Sent from my iPad

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Gmail

Deborah Sines <iamdsines@gmail.com>

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**Re: 18-2321\_Documents.pdf**

1 message

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**Andy Kroll** <akroll@rollingstone.com>  
**To:** Deborah Sines <iamdsines@gmail.com>

Mon, Sep 16, 2019 at 11:05 AM

Did you read the opinion? If so, what'd you think?

**From:** Deborah Sines < >  
**Date:** Friday, September 13, 2019 at 10:31 AM  
**To:** Andy Kroll < >  
**Subject:** 18-2321\_Documents.pdf

Mary & Joel's case reinstated.

Sent from my iPad

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Gmail

Deborah Sines <iamdsines@gmail.com>

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## Your letter

39 messages

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**Deborah Sines** <iamdsines@gmail.com>  
To: akroll@rollingstone.com

Tue, Sep 11, 2018 at 8:13 PM

Andy - I received your letter today. Others have asked me to speak on camera about this case and I have refused. Understand, that I firmly believe people will be charged with this murder and I don't want to do anything that would fuck that case up. I am equally firmly convinced that many people have used this murder for their political agendas and as a result, several people close to Seth were cruelly hurt. Moreover, one of the reasons it is taking so long to charge those responsible is that so much time and so many resources were spent investigating baseless allegations to maintain the integrity of our investigation.

Even though I have refused to speak to other journalists about this case, I am thinking about talking to you. First, you wrote a letter in your own handwriting. Very impressive. Nice touch. Second, it's the Rolling Stone. Third, I checked you out. Give me a day or two to think about this.

Deborah

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**Andy Kroll** <akroll@rollingstone.com>  
To: Deborah Sines <iamdsines@gmail.com>

Tue, Sep 11, 2018 at 9:27 PM

Deborah:

Thank you for your email. Glad you got the letter and were able to read my awful chicken-scratch handwriting. If there's anything else I can explain from my end while you're mulling it over, don't hesitate to let me know. You've got my phone # and (obviously) email. If you do decide you'd be open to talking, I'm happy to pop down to Florida to speak in-person if you'd prefer. I'm old-school that way — I'd rather drive seven hours for a one-hour face-to-face meeting than do it over the phone if I can help it.

Look forward to hearing from you. I appreciate the kind reply...

Andy  
202-695-2563

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**From:** Deborah Sines < >  
**Sent:** Tuesday, September 11, 2018 8:13:54 PM  
**To:** Andy Kroll  
**Subject:** Your letter

Andy - I received your letter today. Others have asked me to speak on camera about this case and I have refused. Understand, that I firmly believe people will be charged with this murder and I don't want to do anything that would fuck that case up. I am equally firmly convinced that many people have used this murder for their political agendas and as a result, several people close to Seth were cruelly hurt. Moreover, one of the reasons it is taking so long to charge those responsible is that so much time and so many resources were spent investigating baseless allegations to maintain the integrity of our investigation.